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JUN 0 6 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named	1 Applicant: Hilt)	Art Unit: 2124
Serial No.:	09/944,655)	Examiner: Khatri, Anil
Filed:	August 31, 2001)	50R4741
SYN	IENT-SERVER BIDIRECTIONAL NCHRONIZATION VIA BROWSER UG IN FOR AN XM RADIO SYSTEM))) -)	June 6, 2006 750 B Street, Suite 3120 San Diego, CA 92101 Customer No.: 36738
	TRANSMITTAL FOR PETITION	ON U	UNDER 37 CFR 1.181
	ver for Patents VA 22313-1450		
Dear Sir:			
following: 1. 2. 3. 4. 5. Respectfully John L. Rog Registration	Petition Under 37 CFR 1.181 (2 pgs) A copy of the Notice of Abandonment (2 pgs) A copy of Final Office Action dated January A copy of the Power of Attorney and Corres 11, 2004 (4 pgs); and A copy of the docket maintained by the attor submitted, jtz, Attorney of Record	s) 27, 2 pond	ence Address Indication Form as filed October
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	·		
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) Customer No.: 36738

PETITION UNDER 37 CFR 1.181

Commissioner for Patents Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment dated September 6, 2005, Applicant respectfully requests a withdrawal of the holding of abandonment. The office action dated January 17, 2005 was sent to an address in Texas and was never received by this office.

Applicant attests that a thorough search of the file jacket has been done and there is no indication that the office action was ever received.

Interestingly enough, although a response to an office action dated August 27, 2004 was filed by this office on September 27, 2004 and a Power of Attorney and Change of Correspondence Address form was filed on October 11, 2004, a search of the PAIR system on March 20, 2006 revealed that a final office action was apparently mailed on January 27, 2005 with a Notice of Abandonment following on September 6, 2005 again mailed to the wrong address in Texas, of which we have no knowledge of or connection with.

CASE NO.: 50R4741 Scrial No.: 09/944,655

June 6, 2006

Page 2

PATENT Filed: August 31, 2001

Telephone calls to the Examiner were made on March 20, 2006 and again on March 22, 2006 to discuss the withdrawal with no response.

Applicant further attests that a search of counsel's docket records indicates the office action was not received. The enclosed docket (our item 1168.137) indicates "OA response filed via fax 09/27/04. Power filed 10/11/04" and status that has since been added to account for these proceedings.

Enclosed herewith are the following:

- 1. A copy of the Notice of Abandonment;
- 2. A copy of Final Office Action dated January 27, 2005;
- 3. A copy of the Power of Attorney and Correspondence Address Indication Form as filed October 11, 2004; and
- 4. A copy of the docket maintained by the attorney of record for the Applicant

Respectfully submitted,

John L. Rogitz

Registration No. 33,549

Attorney of Record

750 B Street, Suite 3120

San Diego, CA 92101

Telephone: (619) 338-8075



United States Patent and Trademark Office

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Address COMPANISTED FOR PATENTS

JUN 0 6 2006

APPLICATION NO.	FILDIG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,655	08/31/2001	Patrick Hilt	50R4741	1795
38738 75	90 09/06/2005		EXAM	INER
	COMMUNICATIONS	CONCEPTS, INC.	KHATR	1, AND.
132! BRAIDEL AUSTIN, TX) ROPE DRIVE 78727		ART UNIT	PAPER MUMBER
7,00111, 111			2193	
			D	_

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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	Application No.	Applicant(s)	
Alasta	09/844.655	HILT ET AL.	
Notice of Abandonment	Examiner	Art Unit	
	Anil Khatri	2193	
- The MAILING DATE of this communication			685
This application is abandoned in view of:	·		
Applicant's failure to timely file a proper rapty to the (a) A reply was received on (with a Certificat period for reply (including a lotal extension of times)	e of Mailing or Transmission date	d), which is after the ex	piration of the
(b) A proposed reply was received on, but it			final rejection
(A proper reply under 37 CFR 1.113 to a final re application in condition for allowance; (2) a time! Continued Examination (RCE) in compliance wit	y filed Notice of Appeal (with app	ly filed amendment which place and fee); or (3) a timely filed Re	es the . quest for
(c) A reply was received on but it does not co line rejection. See 37 CFR 1.85(a) and 1.111.			to the non-
(d) ☑ No reply has been received.			
Applicant's failure to timely pay the required issue for from the mailing date of the Notice of Allowance (P7)		e, within the statutory period o	f three month:
(a) ☐ The issue fee and publication fee, if applicable , which is after the expiration of the statut Allowance (PTOL-85).			
(b) The submitted fee of \$ is insufficient. A b	elance of \$ is due,		
The Issue fee required by 37 CFR 1.18 is \$	The publication fee, if requir	ed by 37 CFR 1.18(d), ia \$	- .
(c) The issue fee and publication fee, if applicable, 1	has not been received,	•	·
 Applicant's failure to timely file corrected drawings a Allowability (PTO-37). 	s required by, and within the three	-month period set in, the Notic	≫ of
 (a) ☐ Proposed corrected drawings were received on after the expiration of the period for repty. 	(with a Certificate of Mailin	g or Transmission dated	_), which is
(b) 🔲 No corrected drawings have been received.			•
The letter of express abandonment which is signed the applicants.	by the attorney or agent of recond	, the assignee of the entire into	erest, or all of
 The letter of express abandonment which is signed 1.34(a)) upon the filing of a continuing application. 	by an attorney or agent (acting in	a representative capacity und	er 37 CFR
 The decision by the Board of Patent Appeals and In of the decision has expired and there are no allower 		d because the period for seeki	ng court revie
7. 🖾 The reason(s) below:		1111	/
Attorney's office was contacted.	·	ANE. KHATRI PRIMARY EXAMINE	
Passons to revive under 37 CFR 1.137(s) or (b), or requests to vinimize any negative offects on petent term.	eithdraw the holding of abandonment	under 37 CFR 1,181, should be pr	emptly filed to



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCI United Schole Patent and Tradequerk Office Adeque CommissionER FOR PATENTS 470, has 1400 Absorbits Viginia 22313-1400

APPLIÇATION NO.	FILING DATE	FEST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,655	04/31/2001	Patrick Hilt	\$01.4741	1795
38738 1	1590 61/27/2005		EXAM	INER
		NS CONCEPTS, INC.	KHATRI, ANIL	
AUSTIN, TX	D ROPE DRIVE 78727		ARTUNIT	PAPER MIMBER
•			2124	
	•		DATE MAILED: 01/27/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

1		Application No.	Applicant(s)				
Office Action Summary		08/944,655	HILT ET AL.				
	Unice Action Summary	Examiner	Art Unit				
L		Anil Khatri	2124				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
THE	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION.		· -				
II the II NO - Feltu Any i	nsions of time may be available under the provisions of 37 CFR 1.15 SIX (B) MONTHS from the melling dete of this communication, period for reply specified above, it east than thirty (30) days, a reply period for reply is specified above, the maximum stabhory period is no fully within the set or extended period for raply will, by stakes, aply received by the Office toter than three months after the making of patient term adjustment. See 37 CFR 1.704(b).	within the statutory minksum of thirty (30) day 41 apply and will expire SIX (5) MONTHS from CRUM the application to become ARAMONE	rs will be considered finally. Pre-mailing date of finis communication.				
Status			•				
1)🛛	Responsive to communication(s) filed on 01 De	cember 2004.					
		action is non-final.					
3}□	Since this application is in condition for allowan		ecution as to the merits is				
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 49	53 O.G. 213.				
Dispositi	on of Claims	•					
4)⊠	Claim(s) 21-25 is/are pending in the application	I.					
	ta) Of the above claim(s) is/are withdraw	n from consideration.					
5)	Claim(s) is/are allowed.						
6)⊠	Claim(s) <u>21-28</u> is/are rejected.						
	Claim(s) is/are objected to.						
8)	Claim(s) are subject to restriction and/or	election requirement.					
Application	on Papers		· ·				
9)[] 1	The specification is objected to by the Examiner	•					
10)[] 7	The drawing(s) filed on is/are: a) acce	pted or b) objected to by the I	Examiner.				
•	Applicant may not request that any objection to the d						
1	Replacement drawing sheet(s) including the correction	on is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).				
11) 🔲 1	The oath or declaration is objected to by the Exa	iminer. Note the attached Office	Action or form PTO-152.				
Priority u	nder 35 U.S.C. § 119						
	cknowledgment is made of a claim for foreign p	oriority under 35 U.S.C. § 119(a)	-(d) or (f).				
	All b) Some * c) None of:	hava baan mast					
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	 Certified copies of the priority documents Copies of the certified copies of the priorit 						
•	application from the International Bureau		o iii uiis reauonai Stage				
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Attachmenti	b)						
1) 🔲 Notice	of References Cited (PTO-892)	4) 🔲 Interview Summary ((PTO-413)				
2) 🔲 Notice	of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Dz	te				
3) 🔛 Informa Paper I	ilion Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Meil Date	 Notice of Informal Pr Other: 	atent Application (PTO-152)				
Peters and Tree							

U.S. Peteni and Tredemark Office PTOL-326 (Rev. 1-04)

Office Action Summary

Part of Paper No./Mail Date 20050110

Art Unit: 2124

Page 2

DETAILED ACTION

Response to Amendment

- This action is in response to the request for re-consideration filed on 12/1/2004.
- As per applicants request claims 1-20 have canceled and new claims 21-28 have been entered.
- As per applicant's request canceled claims 1-20 stand rejected under 35 USC 102(e) as being unpatentable over Lee et al USPN 6,374,177.

Applicant argues,

- I) "Uploading the claimed service information, gleaned from an XM radio broadcast to the internet and receiving back information".
- II) "Sending information from a radio broadcast of any kind to the internet for correlation to others".

Response to arguments,

- I) It was noted that the cited prior art teaches multimedia devices will be able to receive existing analog, AM, FM and TV audios broadcast and wireless internet receiver can receive thousands of digital broadcasts from the internet in addition satellite broadcaster such as CD radio, XM radio and world space are expected to transmit to vehicles" see columns 1-6.
 Therefore, limitations are met by the reference and claims stand rejected.
- II) The cited art also discloses radio broadcast of any kind to the internet for correlation to others by selecting the desired major category by pressing the up or down channel selector button. The user could then see all the channels available under that subcategory in similar fashion and select any of them to play (see column 9, lines 25-67). Thus, the limitations have

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been suggested by the art that correlation have established in radio transmission as well in internet environment. Therefore, claims stand rejected.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lee et al* USPN 6,374,177.

Regarding claims 21, 24, 25 and 26

Lee at al teaches.

receiving at a client device, from an XM radio, service information related to an XM radiobroadcast the service information containing at least one of: product identification, artist name, song name, broadcast name, the client device being configured with a

Page 4

Art Unit: 2124

- firewall (see abstract, see figures 1-3 and 5, column 2, lines 13-32, "new multimedia devices... broad geographic areas").
- receiving at the client device, from a user input device, a signal representing the service information (column 9, lines 25-67, "user could select.... Station to play")
 - sending at least portions of the service information to a server computer over internet (column 10, lines 40-48, "internet gateway... to the vehicle");
 - correlating the service information to information related to the service information (column 9, lines 25-67, "user could select.... Station to play");
 - receive, at a client browser plug-in as-associated with the client device, at least an
 identification of an internet since at which the information related to the service
 information can be located (column 10, lines 24-29, "something that being
 broadcast... being advertised")and;
 - using the identification of an Internet site causing a browser associated with client browser plug-in to retrieve the information related to the service information with out causing the firewall to block the information related to the service information (figure 3).

Regarding claims 22, 27 and 28

Lee at al teaches,

the identification of an Internet site is received from an application associated with the client device (column 2, lines 53-59< 'specific program... radio station").

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Page 5

Regarding claim 23

Lee at al teaches.

The correlating act is undertaken at the server computer (see figure 3).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-3725.

Art Unit: 2124

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANIL KHATRI

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Filed:	August 31, 200 (}	CASE NO.:	5 534 741
For:	CLENT-SERVER BEDGE SYNCHRONIZATIONAL PLUG IN POR AN YM R	VIA BROWSER)	October 11, 2 750 B Street, San Diego, Ca	Sulm: 3120
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Commissioner Alexandria, V				
	: (783) 872-9306			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hilt) Art Unit: 2122

Serial No.: 09/944,655) Examiner: Curcio

Filed: August 31, 2001 CASE NO.: 50R4741

For: CLIENT-SERVER BIDIRECTIONAL) October 11, 2004

SYNCHRONIZATIONAL VIA BROWSER) 750 B Street, Suite 3120 PLUG IN FOR AN XM RADIO SYSTEM) San Diego, CA 92101

FACSIMILE TRANSMITTAL LETTER FOR POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS INDICATION FORM

Commissioner for Patents Alexandria, VA 22313 Facsimile No.: (703) 872-9306

Dear Sir:

Applicant hereby appoints practitioners associated with Customer Number 36738 as agent(s) to prosecute the application identified above. Please change the correspondence address for the above-identified application to Customer Number 24955. In support please find enclosed a new Power of Attorney and a Correspondence Address Indication Form (PTO/SB/81).

In support, please find enclosed an executed copy of the Power of Attorney and an unsigned legible copy of the Power of Attorney along with Correspondence Address Indication Form.

Respectfully submitted,

John L. Rogitz, Attorney of Record

Registration No. 33,549 750 "B" Street, Suite 3120 San Diego, CA 92101 Telephone: (619) 338-8075

JLR/jg Enclosures

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Application Number	09/944,655
Filing Date	August 31, 2001
First Named Inventor	Patrick Hit
Title	Client-Server bidirectional
Art Unit	2122
Examiner Name	Curcio

50R4741

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Applicant/Inv	entor						
Assignee of r	ecord of (the entire Interest. See 37 CFR FR 3.73(b) is enclosed. (Form F	3.71. 270/SB/06	RI			
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Signature	1					Date	
Name	Harold T	. Fujii				Telephone	408.955.4998
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Attorney Docket Number

This collection of information is required by 37 CFR 1,31 and 1,33. The information is required to obtain or retain a benefit by the public which is to tile (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including galhering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the IndMdust case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer. U.S. Petent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Page 27

SONY CORPORATION PATENT & TRADEMARK CASES DOCKET (1168)

1168.DKT as of June 6, 2006

file.	inventors: Sulm					50T5728.01
┸	Suret & Math for Building Consumos Cuito			10/964 899	10/13/04	1168.138
ਰ 	Inventors: Hilt and Abrahams					
_	an XM Radio System					
09/27/04. Power filed 10/11/04.	Synchronization Via Browser Plug-in for					JUK4/41.00
	Client-Server Bidirectional			09/944,655	08/31/2001	1168,137
						(MMF)
NO FF.	inventor: Wieck et al.	-				30.1007.01
g 1* OA.	Dynamic Single Row Qwerty Key Layout			10/50/106/01	10/18/04	1108.130
	Inventor(s): Iwamura			200		(FIZ)
01/27/07.	Error Recovery	_				OW70'KOOODDC
30 month nati phase deadline	Home Network System w/Transmission	-		PCT/US05/22630	06/24/05	1168-135.PCT
	Inventor(s): Iwamura					(FJZ)
	Error Recovery					5006069.02
Awaiting 1" OA.	Home Network System w/Transmission			10/951,739	09/27/04	1168.135
	Inventors: Shintani & Tahara					(MMF)
NOFF	Balanced Circuit Board Lines		-			5006066.01
Awaiting 1" OA.	Method and System for ESD Protection of			10/953,840	09/29/04	1168.134
	[nventor(s): DeCuir					NO FF
Carrie 10/31/05.	Audio					50U6063.01(FJZ)
Awaiting 1" OA. NO FF as per	Syst. & Meth. For Determining Genre of			10/987,966	11/12/04	1168.133
	Inventor(s): Clement et al.					PE062914
by 9/18/06	Messaging Systems					50U6023.01KR
Instructions for filing	Syst. & Meth. For Integrating Multiple					1168-132.KR
	Inventor(s): Clement et al.					06PSE039
acknowledged by JP by 9/18/06	Messaging Systems					50U6023.011P
Instructions for filing	Syst. & Meth. For Integrating Multiple					1168-132.JP
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	Inventor(s): Clement et al.					
associate 04/26/06. Entering	Messaging Systems					50U6023.01EP
	Syst. & Meth. For Integrating Multiple					1168-132.EP
	or Applicant(s)	Z	Date	2	Date	Docket No.
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